

**Decision 00-07-041 July 20, 2000**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Carlsbad for an order authorizing construction to widen the existing separated grade crossing of Poinsettia Lane over the tracks of the San Diego Northern Railway in the City of Carlsbad and County of San Diego, referred to as the Poinsettia Lane Overhead Crossing (PUC Crossing No. 106-233.40-A).

Application 00-03-050  
(Filed March 27, 2000)

**OPINION**

City of Carlsbad (City) requests authority to widen the existing separated grade crossing of Poinsettia Lane over the freight/commuter main line tracks of the San Diego Northern Railway (SDNR), owned and operated by the North County Transit District (NCTD), in Carlsbad, San Diego County.

The proposed widening of the existing separated grade crossing of Poinsettia Lane is required to provide improved traffic circulation on Poinsettia Lane between Interstate 5 and Carlsbad Boulevard.

The proposed widening will also improve the transportation network and bring Poinsettia Lane into conformance with the minimum design standards for a major arterial, as required by the City's standards.

The proposed widening will add two twelve foot lanes, to the north side of the Poinsettia Lane Overhead Bridge structure, and will carry Poinsettia Lane above the SDNR's main line tracks.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation and review of a Initial Study, City issued a Mitigated Negative Declaration, and approved the project on

January 5, 2000. On January 7, 2000, a Notice of Determination was filed with the San Diego County Clerk which found that "The project will not have an adverse effect on the environment."

The Commission is a responsible agency for this project under CEQA, and has reviewed and considered the lead agency's Mitigated Negative Declaration and Notice of Determination. The site of the proposed widening has been inspected in the field and the proposed plans have been reviewed by the Commission's Rail Safety and Carriers Division (RSCD), Rail Crossings Engineering staff.

The application was found to be in compliance with the Commission's filing requirements including Rule 38 and 39 of the Rules of Practice and Procedure which relate to the construction of public highways across railroad tracks and the widening or relocation of an existing crossing. Detailed drawings of the proposed construction are included as appendices to this order.

In Resolution ALJ 176-3036 dated April 6, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3036.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comments is being waived.

### **Findings of Fact**

1. Notice of the Application was published in the Commission's Daily Calendar on April 3, 2000. No protests have been received. A public hearing is not necessary.

2. City requests authority under Public Utilities Code Sections 1201-1205 to widen the existing separated grade crossing of Poinsettia lane over the tracks of the SDNR's main line in Carlsbad, San Diego County.

3. The widening of the existing separated grade crossing of Poinsettia Lane is required to provide improved traffic circulation on Poinsettia Lane

between Interstate 5 and Carlsbad Boulevard.

4. Public convenience, necessity, and safety require widening of the existing Poinsettia Lane overcrossing.
5. City is the lead agency for this project under CEQA, as amended.
6. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Mitigated Negative Declaration and Notice of Determination.

### **Conclusions of Law**

The application should be granted as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. City of Carlsbad (City) is authorized to widen the existing separated grade crossing of Poinsettia Lane over the freight/commuter main line tracks of the San Diego Northern Railway (SDNR), owned and operated by North County Transit District (NCTD), to be identified as Crossing No. 106-233.40-A, in Carlsbad, San Diego County, at the location and substantially as shown by plans attached to the application and this order.
2. Walkways shall conform to General Order (GO) 118 and clearances shall be in accordance with GO 26-D.
3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should parties fail to agree, the Commission will apportion the costs of the construction and maintenance by further order.
4. City shall file final construction plans, approved by NCTD, with the Rail Safety and Carriers Division prior to commencing construction.
5. Within 30 days after completion of the work under this order, City shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.
6. This authorization shall expire if not exercised within three (3) years

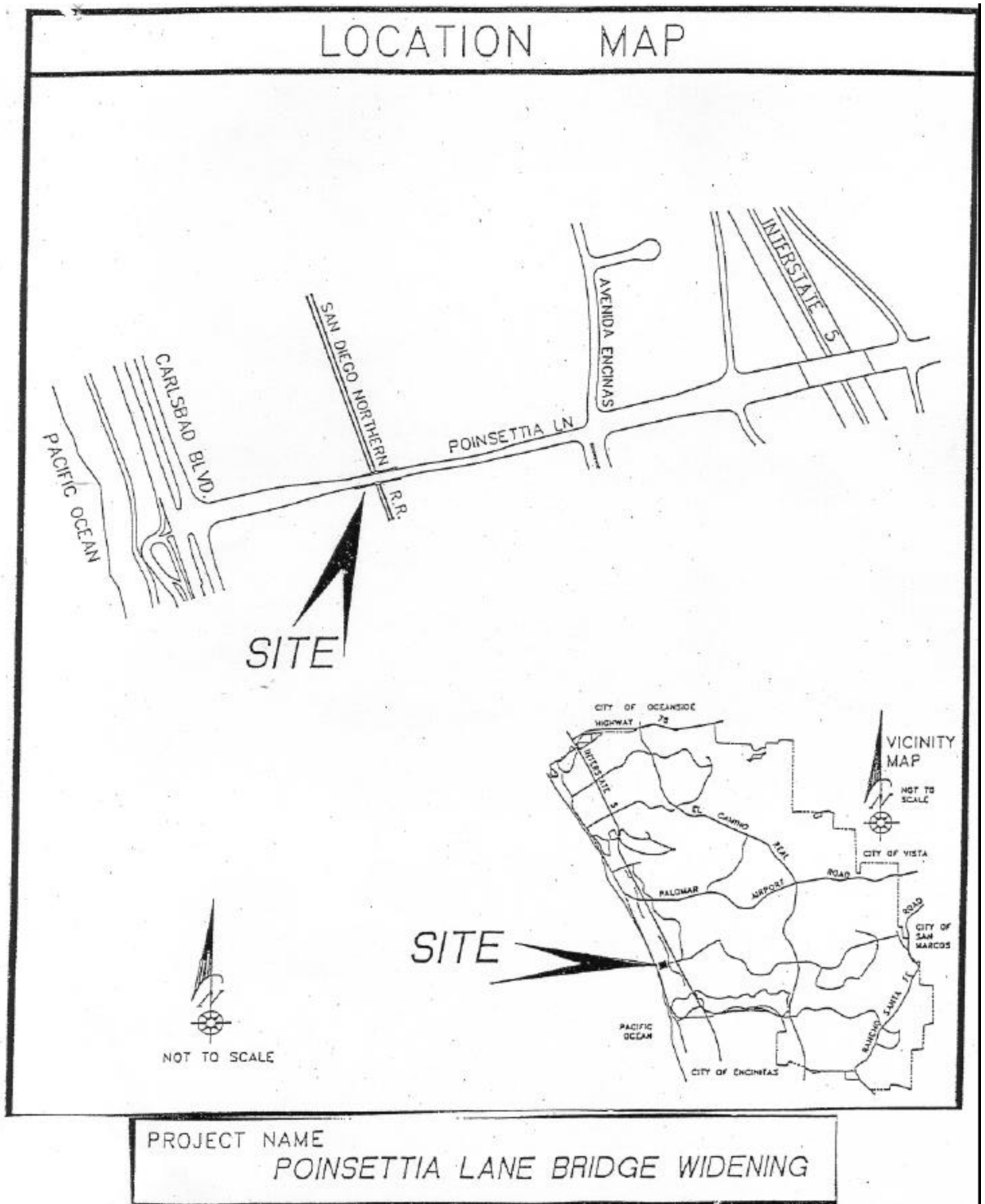
unless time is extended or if the above conditions are not complied with.  
Authorization may be revoked or modified if public convenience, necessity or safety so require.

7. The application is granted as set forth above.
8. Application 00-03-050 is closed.

This order becomes effective 30 days from today.

Dated July 20, 2000, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
CARL W. WOOD  
Commissioners



OVERVIEW

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 WELKEKRA 1/2 04-01 08 08-08  
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operator shall notify all controlling administrations before crossing an existing air corridor.